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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,793	01/24/2000	David K. McKnight	CA9-99-017	6281

25259 7590 05/16/2007
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EXAMINER

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ART UNIT	PAPER NUMBER
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2176

NOTIFICATION DATE	DELIVERY MODE
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05/16/2007

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Art Unit: 2176

SUPPLEMENTAL EXAMINER'S ANSWER

This Supplemental Examiner's Answer is responsive to BPAI Ordered Remand To The Examiner (hereinafter the Remand), said remand rendered February 27, 2007.

It is noted that the Remand sets forth two issues that require clarification. In response, the Examiner introduces to the instant claims under appeal, a new objection under 37 CFR 1.75 (c), and a new rejection under 35 U.S.C. 101 (as defined under current guidelines rendered November 22, 2005).

It is additionally noted that the rejection of claims 1-13, 40-43 under 35 U.S.C. 101 (set forth in Examiner's Answer mailed June 5, 2006) as being direct to non-statutory subject matter, has been withdrawn.

In addition, the previous allowability of independent claim 23 has been withdrawn, and a new rejection under 35 U.S.C. 101 has been introduced. No art rejection has been made to independent claim 23.

Claim Objections

Claims 8-11, 21, 31-34 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend upon other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims above have not been further treated on the merits.

Please note that cancellation of the claims in question is required (see MPEP 608.01(n)), and page 2 lines 19-21 of the Remand).

In correction of the above, Appellant is respectfully reminded to make sure antecedent basis is preserved.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention (as claimed in instant claims 16-36) are directed to non-statutory subject matter.

In regard to independent claims 16, 22-27, and 35, it is noted that each of said claims recite in pertinent part “A computer program product...”, and as such, the limitations of each said claims recite arrangements of facts or data, which are merely stored to be read or outputted by a computer without any functional interrelationships, and thus do not impart functionality to the computer. Accordingly, the claimed invention taken as a whole does not produce a useful, concrete and tangible result.

It is noted that Appellant’s specification reads upon a signal wave (“fluid transmission medium”) (at least specification page 28 lines 20-24). It is suggested that each of said claims is amended to at least reflect that the claimed product is embodied on a computer readable storage device, comprising computer readable instructions causing a computer to implement the limitations within each said claim.

In regard to dependent claims 17-21, 28-34, and 36, claims 17-21, 28-34, and 36 do not direct the claimed invention to statutory subject matter, therefore each of said claims are rejected for fully incorporating the deficiencies of their respective base claims.

Art Unit: 2176

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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